

OPINION 2234 (Case 3416)***Murex rostratus* Olivi, 1792 (currently *Fusinus rostratus*; Mollusca, Gastropoda): specific name conserved**

Abstract. The Commission has conserved the specific name *Murex rostratus* Olivi, 1792 (currently *Fusinus rostratus*) (Mollusca, Gastropoda, FASCIOLARIIDAE) by ruling that it is not invalid by reason of being a junior primary homonym of *Murex rostratus* Solander in Brander, 1766 (currently *Turricula rostrata*). The senior homonym is currently included in TURRIDAE and has not been considered congeneric with *Murex rostratus* Olivi, 1792 after 1899.

Keywords. Nomenclature; taxonomy; Mollusca; Gastropoda; FASCIOLARIIDAE; TURRIDAE; *Fusinus rostratus*; *Turricula rostrata*; gastropods; Mediterranean.

Ruling

- (1) Under the plenary power it is hereby ruled that the name *rostratus* Olivi, 1792, as published in the binomen *Murex rostratus*, is not invalid by reason of being a junior primary homonym of *rostratus* Solander in Brander, 1766, as published in the binomen *Murex rostratus*.
- (2) The following names are hereby placed on the Official List of Specific Names in Zoology:
 - (a) *rostratus* Olivi, 1792, as published in the binomen *Murex rostratus* (FASCIOLARIIDAE), with the endorsement that it is not invalid by reason of being a junior primary homonym of *rostratus* Solander in Brander, 1766, as published in the binomen *Murex rostratus*;
 - (b) *rostratus* Solander in Brander, 1766, as published in the binomen *Murex rostratus* (TURRIDAE).

History of Case 3416

An application to conserve the specific name *Murex rostratus* Olivi, 1792 (currently *Fusinus rostratus*) (Mollusca, Gastropoda, FASCIOLARIIDAE) for a Mediterranean gastropod was received from Giovanni Buzzurro (*Biassono (MI), Italy*) and Paolo Russo (*Venezia, Italy*) on 18 April 2007. After correspondence the case was published in BZN 65: 7–11 (March 2008). The title, abstract and keywords of the case were published on the Commission's website. No comments were received on this case.

Decision of the Commission

On 1 March 2009 the members of the Commission were invited to vote on the proposals published in BZN 65: 8. At the close of the voting period on 1 June 2009 the votes were as follows:

Affirmative votes – 15: Bouchet, Brothers, Fautin, Halliday, Kullander, Krell, Lamas, Minelli, Ng, Papp, Patterson, Rosenberg, Štys, van Tol and Zhang.

Negative votes – 6: Alonso-Zarazaga, Bogutskaya, Grygier, Kottelat, Lim and Pape.

Pyle was on leave of absence.

Bouchet, voting FOR, said that the homonymy between *Murex rostratus* Solander in Brander, 1766 and *Murex rostratus* Olivi, 1792 was first detected by Bouchet & Warén (1985, p. 160), who stated ‘The next available name seems to be *Murex sanctaeluciae* von Salis, 1793, but a change of name should not be done until the shallow-water species are carefully revised, to avoid unnecessary name changes’. Buzzurro & Russo have adequately demonstrated that *Fusinus rostratus* remains the name overwhelmingly in use, and Bouchet has also kept using this name in popular field guides (Bouchet & Cosel 2001, 2009). He also added that the species has now been introduced in the English Channel, and there is a growing literature on marine invasive species (Le Duff et al., 2008; Nolf, 2009) that uses the name *Fusinus rostratus*. Bouchet therefore voted unreservedly for the conservation of the name *Murex rostratus* Olivi, 1792. Ng, also voting FOR, said that the case should have been brought much earlier for action, as the uncertainty over the name has been magnified in the interim from 1992 (when the junior primary homonym *Murex rostratus* Olivi, 1792 was replaced with its first available synonym by Aartsen & Giannuzzi-Savelli) until the present. He noted that this is the same principle as in Article 23.9.5, which allows for exceptions to primary homonymy when taxa are now classified in very different genera and families.

Voting AGAINST, Alonso-Zarazaga said that the authors were using the 4th Edition of the Code to amend decisions taken by correctly using the 3rd Edition of the Code, in force in 1992, when the junior primary homonym *Murex rostratus* Olivi, 1792 was replaced with its first available synonym, following exactly the relevant articles of the Code. He wondered why, again, 17 years later, someone was trying to keep a name that the application of the Code overrode. Moreover, Alonso-Zarazaga mentioned that this application had not raised a single comment, which he considered another indication of the negligible importance of the names treated in this case. Also voting AGAINST, Grygier pointed out that in paragraph 3 of the case, no citation is given for the first removal of one of the homonymous species from *Murex* before 1900. Without such explicit documentation of the two species’ supposedly long-standing non-congenerity, he felt it was hard to proceed further. More importantly, he said that this proposal depended on the inappropriate retroactive application of Article 23.9.5 to a situation arising from Aartsen & Giannuzzi-Savelli’s earlier correct application of Article 23(e) of the 3rd Edition of the Code, which was in force in 1992. Grygier also said that the authors did not discover the homonymy in question (it had already been noted and corrected), and so had no mandate under Article 23.9.5 to ask the Commission to consider the matter anew, although they were free to do so under some other provision of the Code. Grygier felt that the solution proposed by Aartsen & Giannuzzi-Savelli (1992) was formally correct at the time and should be upheld for the time being.

Additional references

- Bouchet, P. & von Cosel, R. 2001. *Les coquillages des côtes françaises*. 32 pp. Editions Ouest France, Rennes. (Second edition, 2009).

- Bouchet, P. & Warén, A.** 1985. Revision of the Northeast Atlantic bathyal and abyssal Neogastropoda, excluding Turridae. *Bollettino Malacologico*, **suppl. 1**: 121–296.
- Le Duff, M., Grall, J. & Quiniou, L.** 2008. First record of the gastropod *Fusinus rostratus* (Mollusca: Fasciolariidae) on the northern coast of Brittany (western Channel, France). *JMBA2 Biodiversity Records*. 6236 Published online <http://www.mba.ac.uk/jmba/pdf/6236.pdf>
- Nolf, F.** 2009. Confirmation of the presence of *Fusinus rostratus* (Olivi, 1792) as a new invader in northern waters of Brittany (France). *Neptunea*, **8(2)**: 9–16.

Original references

The following are the original references to the names placed on Official Lists by the ruling given in the present Opinion:

- rostratus*, *Murex*, Solander in Brander, 1766, Solander, D.C. 1766. Descriptions of species. In Brander, G. *Fossilia Hantoniensia collecta, et in Musaeo Brittanico deposita, a Gustavo Brander*. vi, Londini, p. 21.
- rostratus*, *Murex*, Olivi, 1792, *Zoologia Adriatica ossia Catalogo ragionato degli animali del golfo e delle lagune di Venezia; preceduto da una dissertazione sulla storia fisica e naturale del golfo; e accompagnato da memorie, ed osservazioni di fisica storia naturale ed economia*. x, 334, Bassano, p. 153.